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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 04/20/2004  
Scott A Hatfield  
Myers Bigel Sibley & Sajovec  
111 Corning Road  
Suite 250  
Raleigh, NC 27511

EXAMINER

BRINEY III, WALTER F

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 04/20/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,518	06/16/2000	Eric Douglas Romesburg	1280.00180	9785

TITLE OF INVENTION: ECHO CANCELER COEFFICIENT UPDATE APPARATUS AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	07/20/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

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If the SMALL ENTITY is shown as NO:

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B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

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7590

04/20/2004

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,518	06/16/2000	Eric Douglas Romesburg	1280.00180	9785

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nonprovisional	NO	\$1330	\$0	\$1330	07/20/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
BRINEY III, WALTER F	2644	379-406050

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

## **3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

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☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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Scott A Hatfield Myers Bigel Sibley & Sajovec 111 Corning Road Suite 250 Raleigh, NC 27511				
EXAMINER BRINEY III, WALTER F				
ART UNIT		PAPER NUMBER		
2644				
DATE MAILED: 04/20/2004				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 747 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 747 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

# Notice of Allowability

Application No.

09/595,518

Examiner

Walter F Briney III

Applicant(s)

ROMESBURG, ERIC DOUGLAS

Art Unit

2644

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 9 February, 2004.
2. ☒ The allowed claim(s) is/are 1-3,5-8,10-21,23-31,33-36,38-48 and 50-52.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 5.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Allowable Subject Matter*

Claims 1-3, 5-8, 10-21, 23-31, 33-36, 38-48, and 50-52 are allowed.

The following is an examiner's statement of reasons for allowance:

Following is the original rejection for claim 1:

Claim 1 is limited to a **method for canceling echo for a communications device comprising: storing an existing filter coefficient set**; Laberteaux discloses setting a non-adaptive filter to a default coefficient set (figure 3, step 80 and column 4, lines 60-62). **Periodically calculating a trial filter coefficient set**; Laberteaux discloses adapting the coefficients of an adaptive filter (i.e. trial filter) (column 4, line 66 through column 5, line 6). **Processing an echo-containing signal over a predetermined time period using the existing filter coefficient set to provide a first echo-canceled output signal**; Laberteaux discloses a non-adaptive echo canceller with enough taps to process the length of an echo (i.e. predetermined time period) that uses its loaded coefficients (i.e. existing filter set) to produce an echo replica that is subtracted from an input with echo to produce echo compensated signals (i.e. echo-cancelled outputs) (column 3, line 65 through column 4, line 14). **Processing an echo-containing signal over the predetermined time period using the trial filter coefficient set to provide a trial echo-cancelled output signal**; Laberteaux discloses an adaptive filter (i.e. trial filter) with enough taps to process the length of an echo (i.e. predetermined time period) that uses its coefficients to provide an echo compensated signal (column 3, line 65 through column 4, line 14). Laberteaux discloses calculating

ERLE values involving both the adaptive and non-adaptive filter outputs (column 4, lines 38-57), and discloses that ERLE are averaged over a predetermined number of samples (column 4, lines 54-57 and column 5, lines 7-18). Therefore, Laberteaux has been shown to disclose all limitations of the claim with the exception of **calculating a first energy value of the first echo-canceled output over the predetermined time period; calculating a trial energy value of the first echo-canceled output over the predetermined time period; calculating a trial energy value of the trial echo-canceled output over the predetermined time period**; Sih teaches that ERLE represents the amount of energy that is removed from the echo after it is passed through the echo canceller and should be calculated using short-term energy averages over the value N, which represents the filter order (i.e. predetermined time period) (column 8, lines 27-55 and column 6, line 63). It would have been obvious to one of ordinary skill in the art at the time of the invention to perform energy calculation of the echo-cancelled output signals of Laberteaux using ERLE with short-term energy averages as taught by Sih for the purpose of providing the preferred averaging method of ERLE calculation of Laberteaux. Therefore, Laberteaux in view of Sih have been shown to make obvious all limitations of the claim with the exception of **determining if the echo-containing signal is dominated by echo**; Vähätalo teaches correlating a signal outgoing to a signal path and a returned echo (i.e. echo-containing signal) to determine if an echo exists on the returned echo based on the location of a high correlation between the signal outgoing to the echo path and the returned echo. When the peak of the echo is found, an adaptive filter is centered on the peak of an echo so

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fewer filter taps are required to perform an echo cancellation. It would have been obvious to one of ordinary skill in the art at the time of the invention to correlate the near-end speech with echo and the far-end speech of Laberteaux as taught by Vähätalo for the purpose of centering the filters around the peak of the echo to reduce the required number of filter taps to perform echo cancellation. **Updating the existing filter coefficient set with the trial coefficient set where the echo-containing signal is dominated by echo and the trial energy is less than the first energy;** Laberteaux discloses transferring the adaptive filter's (i.e. trial) coefficients to the non-adaptive filter (i.e. existing) coefficients when the ERLE of the adaptive filter is greater than the ERLE of the non-adaptive filter. Because ERLE measurements are inversely proportional to energy (Sih, equations 6, 7, and 8), this corresponds to transferring the coefficients when the adaptive filter's error output is less than the non-adaptive filter's error output. Laberteaux also discloses performing the transfer of coefficients only when the ERLE of the adaptive filter is greater than any previous ERLE recorded. Thus, the transfer will occur when the filter is removing echo that is dominating the input signal better than any other configuration used. Therefore, Laberteaux in view of Sih and in further view of Vähätalo makes obvious all limitations of the claim.

The new limitations require the following analysis in further view of the above rejection:

Claim 1 is further limited **wherein the step of determining if the echo-containing signal is dominated by echo comprises: capturing a predetermined number of samples of an echo-causing signal and the echo-containing signal**

**over the predetermined time period;** Vähätalo discloses sampling the incoming (i.e. echo-causing) and outgoing (i.e. echo-containing) signals (column 4, lines 9-12) so enough samples exist to model the echo pathway (column 5, lines 47-49). **Calculating a correlation function between the echo-containing signal and the echo-causing signal over a correlation window;** Vähätalo discloses using these sample vectors to calculate a correlation in a window (Abstract). **Calculating a first value using the correlation function over a portion of the correlation window where echo is expected;** Vähätalo discloses calculating a highest sum that is a sum of correlation results, and where this maximum sum occurs echo is expected to be present (column 4, lines 4-44). **Calculating a second value using the correlation function over a portion of the correlation window where no echo is expected;** Vähätalo discloses that after finding the highest sum, those values are set to zero, and a second value is calculated, and that sum should be lower than the previous sum because the echo should have been set to zero, thus no echo is expected where this second sum is calculated (column 4, lines 4-44). **Computing a status indicator as a function of the first value and the second value, the status indicator used for determining whether the echo-containing signal is dominated by echo;** Vähätalo discloses that when a first calculation is made showing the center of an echo and a second calculation is sufficiently lower than the first (i.e. status indicator) proving the center of an echo (i.e. determining domination by echo).

Claim 1 is also limited **wherein the second value is a baseline value and calculating the baseline value comprises calculating a Root Mean Square value of**



**the correlation function over the portion of the correlation window where no echo is expected.** Vähätalo discloses calculating a first max to detect echo (column 7, lines 25-65). After the measurement is determined, a second max is measured with the values constituting the first max being reduced (i.e. no echo is expected). Even though the method for detecting echo disclosed by both the applicant and Vähätalo are essentially similar, the fact that maxes are compared instead of deriving a peak-to-RMS value differentiates the application from the prior art.

Peak-to-RMS measurement is a common metric used for detecting a signal above a baseline, however, the prior art does not teach using such a metric to compare the results of a correlation function in the detection of an echo signal. Therefore, the prior art makes obvious all limitations of the claim with the exception of calculating a **Root Mean Square value of the correlation function where no echo is expected.** Therefore, claim 1 is allowable matter.

It follows that all claims dependent on claim 1 are allowable.

Claims 17, 25, and 44 include the same limitations of the method for determining if echo exists in an echo residual signal as stated in claim 1. Therefore, claims 17, 25, and 44 are allowable for the same reasons as claim 1.

It follows that all claims dependent on claims 17, 25, and 44 are allowable.

Claims 4, 9, 22, 32, 37, and 49 have been cancelled.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

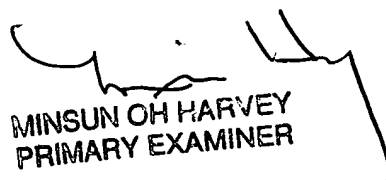
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F Briney III whose telephone number is 703-305-0347. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFB  
4/15/04

  
MINSUN OH HARVEY  
PRIMARY EXAMINER